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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/068,106

02/05/2002

Michael Carlson

PANG-1-1002

5747

25315

7590

07/12/2006

BLACK LOWE & GRAHAM, PLLC

701 FIFTH AVENUE

SUITE 4800

SEATTLE, WA 98104

EXAMINER

AGWUMEZIE, CHARLES C

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/068,106	<b>Applicant(s)</b> CARLSON, MICHAEL	
	<b>Examiner</b> Charlie C. Agwumezie	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/05/2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Status of Claims

1. Claim 21 is newly added. Claim 1-21 are pending in this application per the petition for revival granted on April 26, 2006.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 12, 13 and 21**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al U.S. Patent 6,000,832 and Lapsley et al U.S. patent No. 6,879, 966 and further in view of Benton et al U.S. Patent 4,926,325.

3. As per **claim 1, 12 and 21**, Franklin et al discloses a computer based verification method comprising:

storing a buyer account number and account data on a buyer system (fig. 1, col. 5, lines 13-15);

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storing a seller account number and account data on a seller system;

determining a transaction amount (col. 2, lines 22-37);

determining a transaction time (col. 2, lines 22-37);

generating a first set of sample data from the data stored on the buyer system based on the determined transaction time and the account numbers associated with the account data previously stored on the buyer and seller systems (col. 2, lines 22-37);

generating a second set of sample data from the data previously stored on the seller system based on the determined transaction time and the account numbers associated with the account data previously stored on the buyer and seller systems (col. 2, lines 47-60);

comparing at least a portion of the generated first set of sample data to at least a portion of the second set of sample data;

sending the generated sample data to an administrator system, if the comparison is positive.

comparing unique data included in the first set of sample data to unique data previously stored at the administrator system that is associated with the buyer account number (col. 2, lines 45-65; "...compares test code number with code number embedded in the transaction number...");

comparing unique data included in the second set of sample data to unique data previously stored at the administrator system that is associated with the seller account number (col. 2, lines 20-65; "...compares test code number with code number embedded in the transaction number..."); and

completing the transaction, if the unique data comparisons are positive (col. 2, line 60-col. 3, line 5).

What Franklin does not explicitly teach is

comparing at least a portion of the generated first set of sample data to at least a portion of the second set of sample data;

sending the generated sample data to an administrator system, if the comparison is positive.

storing a seller account number and account data on a seller system

Lapsley et al discloses comparing at least a portion of the generated first set of sample data to at least a portion of the second set of sample data (see abstract; col. 5, lines 10-55);

sending the generated sample data to an administrator system, if the comparison is positive (see abstract; col. 5, lines 10-55).

What Lapsley et al does not explicitly disclose is

storing a seller account number and account data on a seller system

Benton et al discloses a computer based verification method comprising:

storing a seller account number and account data on a seller system (col. 3, lines 30-55; col. 8, line 60-col. 9, line 30).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Franklin et al and incorporate a method for comparing the sample data and storing a seller account number and account data on a seller system in view of the teachings of Lapsley et al and Benton et

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al in order to ensure adequate data security.

4. As per **claim 2 and 13**, Franklin et al further discloses the method, wherein the generated first and second set of sample data is further generated based on the transaction amount (col. 1, lines 27-38, col. 2, lines 22-37, col. 9, lines 30-47).

5. As per **claim 3**, Franklin et al further discloses the method, wherein the seller system is in communication with the administrator system over a network (fig. 1).

6. As per **claim 4**, Franklin et al further discloses the method, wherein the seller system is in communication with the buyer system over a network (fig. 1).

**Claims 5-9 and 14-18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al U.S. Patent 6,000,832 and Lapsley et al U.S. patent No. 6,879, 966 and Benton et al U.S. Patent 4,926,325 as applied to claim 1 and 12 above, and further in view of Bush et al U.S. Patent 5,130,519.

7. As per **claim 5 and 14**, Franklin et al, Lapsley et al and Benton et al failed to disclose the method, wherein the account data at the buyer and seller systems comprise common data and unique data stored in a plurality of matrices, wherein the matrices are stored according to time.

Bush et al discloses the method, wherein the account data at the buyer and seller systems comprise common data and unique data stored in a plurality of matrices, wherein the matrices are stored according to time (fig. 3, 4, and 4A-C; col. 4, lines 38-50).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Franklin et al and incorporate a comprise common data and unique data stored in a plurality of matrices, wherein the matrices are stored according to time as above in view of the teachings of Bush et al in order to show an alternative method of verifying the individual's identity.

8. As per claim 6 and 15, Franklin et al further discloses the method, wherein the unique data is unique to the associated account number (col. 9, lines 49-58, col. 10, lines 12-35).

9. As per claim 7 and 16, Franklin et al further discloses the method, wherein the common data is commonly addressable to all buyer and seller account numbers in a series (col. 2, lines 22-37).

10. As per claim 8 and 17, Franklin et al, Lapsley et al and Benton et al failed to disclose the method, wherein each matrix has a unique matrix orientation.

Bush et al discloses the method, wherein each matrix has a unique matrix orientation (fig. 3, 4, and 4A-C; col. 4, lines 17-38).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Franklin et al and incorporate a method, wherein each matrix has a unique matrix orientation in view of the teachings of Bush et al in order to show an alternative method of verifying the individual's identity.

11. As per **claim 9 and 18**, Franklin et al, Lapsley et al and Benton et al et al failed to disclose the method, wherein each matrix comprises an unscramble key.

Bush et al discloses the method, wherein each matrix comprises an unscramble key (fig. 4, col. 1, lines 10-20).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Franklin et al and incorporate the method, wherein each matrix comprises an unscramble key in view of the teachings of Bush et al in order to show an alternative method of verifying the individual's identity.

**Claims 10-11 and 19-20**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al U.S. Patent 6,000,832 and Lapsley et al U.S. patent No. 6,879, 966 and Benton et al U.S. Patent 4,926,325 and Bush et al U.S. Patent 5,130,519 as applied to claim 1 and 12 above, and further in view of Appleton U.S. Patent 4,016,404.

12. As per **claim 10, 11, 19 and 20**, Franklin et al, Lapsley et al, and Benton et al failed to explicitly disclose the method, wherein generating the first set of sample data



comprises retrieving a matrix based on the determined transaction time, generating a base matrix from the retrieved matrix based on the unscramble key associated with the retrieved matrix, generating a scramble matrix based on a product of the buyer and seller account numbers, and producing the sample by retrieving one or more row or columns from the generated scramble matrix.

Bush et al discloses the method, wherein generating the first set of sample data comprises retrieving a matrix based on the determined transaction time (fig. 3; col.4, lines 38-50). Bush further discloses generating a base matrix from the retrieved matrix based on the unscramble key associated with the retrieved matrix (fig. 4, col. 1, lines 10-20).

What Bush does not teach is generating a scramble matrix based on a product of the buyer and seller account numbers, and producing the sample by retrieving one or more row or columns from the generated scramble matrix.

Appleton discloses generating a scramble matrix based on a product of the buyer and seller account numbers, and producing the sample by retrieving one or more row or columns from the generated scramble matrix (col. 2, lines 12-45, col. 4, lines 1-15)

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Franklin et al and incorporate the methods as describe above, wherein each matrix comprises an unscramble key in view of the teachings of Appleton in order to show an alternative method of verifying the individual's identity.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of

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the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlie C. L. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington D.C. 20231**

Or faxed to:

**(571) 273-8300**. [Official communications; including After Final communications labeled "Box AF"].

**(571) 273-8300**. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Hand delivered responses should be brought to the United States Patent and Trademark Office Customer Service Window:

Art Unit: 3621

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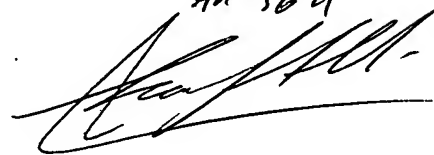
Patent Examiner

Art Unit 3621

May 15, 2006

KAMBIZ ABDI  
PRIMARY EXAMINER

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A handwritten signature in black ink, appearing to read 'Kambiz Abdi', written over a horizontal line.